

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-2, 5, and 7-9 are pending in this application. Claims 3-4, 6 and 10-12 have been canceled. Claim 7 was previously amended, and claims 1 and 5 are currently amended. No new matter is added.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kato (US 5,077,803). Applicant respectfully traverses these amendments based on the foregoing amendments of independent claims 1 and 5, and the following remarks.

In order to anticipate a claim under 35 U.S.C. § 102, "the reference must teach every element of the claim." See MPEP § 2131. We respectfully submit that Kato does not teach every element recited in the currently amended Claims 1 and 5 of the present application so that Kato cannot anticipate these claims.

The light receiving unit recited in the currently amended Claim 1 of the present application comprises:

- a cover glass closely contacting an object;
- a light source unit emitting light to the cover glass; and
- a light receiving unit reflecting the light reflected by the object in a predetermined direction and condensing the light, and picking up an image of the light;
 - wherein the light receiving unit comprises:
 - a reflecting mirror for directly reflecting the light reflected by the object at the cover glass, the reflected light traveling horizontally;
 - at least one condensing lens formed separate from the cover glass and disposed on a path of the light reflected by the reflecting mirror to condense the light; and
 - an optical image sensor picking up the image of the light transmitted through the condensing lens, and being vertically installed to perpendicularly encounter the horizontally traveling light.

The condensing lens recited in the currently amended Claim 1 of the present application is formed separate from the cover glass and disposed on a path of the light reflected by the reflecting mirror to condense the light. Consequently, the condensing lens of the present invention is a separate component from the cover glass. Since the condensing lens is formed separate from the cover glass, it is possible to adjust the position of the condensing lens relative to the cover glass. This adjustment allows for easy control of a depth of focus of the condensing lens.

On the contrary, as shown in Figure 4A and 4B of Kato, the condensing lens (26) is directly attached to the transparent light guiding board (20), which corresponds to a cover glass. Therefore, it is impossible to adjust a position

of the condensing lens (26) relative to the transparent light guiding board (20). This makes it difficult, if not impossible, to control the depth of focus in the device taught by Kato. As a result, Kato fails to teach or suggest the condensing lens formed separate from the cover glass.

In addition, the light receiving unit recited in the currently amended Claim 5 of the present application comprises at least one wave guide formed separate from the cover glass and installed in the predetermined direction to the reflecting mirror to guide and condense the light, and at least one condensing lens inserted into the wave guide and disposed on a path of the light reflected by the reflecting mirror to condense the light.

As stated above, the wave guide recited in the currently amended claim 5 is separate from the cover glass. Conversely, the cover glass and the wave guide of Kato is the same component. This was confirmed by the Examiner with her designation of the number reference 22 to both the cover glass and the wave guide of Kato. That is, the cover glass and the wave guide of Kato are one component, i.e., they are not separate. Therefore, in the case of Kato, it is impossible to reposition the wave guide to the cover glass, thus making control of the depth of focus difficult, if not impossible, for the device taught by Kato.

Accordingly, we respectfully submit that Kato does not teach every element recited in the currently amended independent claims 1 and 5 of the present application. Thus, claims 1 and 5 should be allowed.

Likewise, dependent claims 2 and 8, which variously depend on Claim 1, are also allowable for at least the same reasons.

Rejections Under 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baharav (US 7,274,808) in view of Yee (US 5,822,073), and claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato. These rejections are respectfully traversed.

To overcome the obviousness rejection of claim 6, the applicants have canceled claim 6.

With regard to the obviousness rejections of claims 7 and 9, applicant respectfully disagrees based on the foregoing amendments and the following remarks.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, all the claim limitations must be

taught or suggested by the prior art. See MPEP § 2143.03. However, Kato does not disclose all the features recited in the currently amended claim 1 of the present application, as shown above.

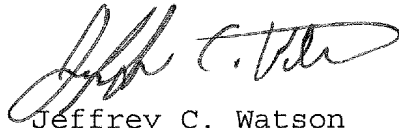
Applicant respectfully submits that Kato fails to teach or suggest an optical pointing device recited in the currently amended claim 1 of the present application and thus, the currently amended claim 1 of the present application is allowable over Kato.

Accordingly, dependent claims 7 and 9, which variously depend on claim 1, are also allowable for at least the same reasons.

Conclusion

An early Notice of Allowance is respectfully requested in view of the foregoing amendments and remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey C. Watson", is written over the typed name.

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